



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

239

CRM-M-12942-2024

Date of decision : 16.05.2025

Baljit Singh and others

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Sunil Panwar, Advocate
for the petitioner.

Mr. Ajaib Singh, Addl. A.G. Punjab
for respondent No. 1-State of Punjab.

Mr. Mandeep Singh Sachdev, Advocate
for respondent No. 2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner – Baljit Singh, Sukhdev Kaur and Raminder Kaur have filed petition under Section 482 of Cr.P.C. for quashing of FIR No. 57 dated 17.05.2007 under Section 406, 498-A, 500, 506, 465, 471, 420, 120-B of IPC registered at Police Station Lambra, District Jalandhar (Annexure P-1), on the basis of compromise dated 01.09.2022 (Annexure P-4) entered between the parties with their sweet will, free mind and to bury the hatchet once for all.

2. As per the facts of case, Kulwinder Kaur – complainant/respondent No. 2 filed written complaint against Baljit Singh, Tasminder Singh, Sukhdev Kaur, Sukhwinder Singh, Daljit Singh and Harbhajan Kaur. It was alleged that marriage of Kulwinder Kaur was solemnized with Baljit Singh according to Sikh rites on 30.06.2001 at Jalandhar. Complainant performed her marital



obligations. After few days, Baljit Singh started complaining that marriage party was not organized as per their status. She was taunted for bringing inadequate dowry. There was a demand for giving car to Baljit Singh. Baljit Singh became more aggressive and hostile towards complainant. Complainant hoped that things will turn normal with passage of time but there was no change in their behavior. Husband Baljit Singh had agreed to take complainant to USA after marriage. He sponsored her and forwarded necessary documents to American Embassy bearing File no. NWD-200260835. On receiving call from U.S. Embassy, she went there and came to know that her husband Baljit Singh had withdrawn the papers. Later on, it was transpired that he was raising demand for a sum of Rs. 15 lacs to sponsor her to USA. She tried to contact Baljit Singh but he stuck to his demand of Rs. 15 lacs. She contacted her parents, who further approached accused persons to rehabilitate complainant but they refused. She received certain documents i.e. Joint Petition for divorce moved by Baljit Singh and Kulwinder Kaur for dissolution of marriage. Complainant was impersonated and her signatures were forged. She also approached her parents-in-law and other accused to return her dowry articles but they refused to return the same and same were misappropriated by them. With these allegations, present FIR was registered.

3. Learned counsel for petitioners argued that there was inordinate delay in lodging the FIR to police. Marriage of petitioner No. 1 with complainant/respondent No. 2 took place on 30.06.2001. Petitioner No. 1 went to USA in middle of August 2001 and after some time, he applied for papers to sponsor complainant. Thereafter, differences arose between them, as a result, said papers were cancelled and communication between them stopped. He



obtained a decree of divorce from the Courts of USA in the year 2003 and remarried in the year 2004. The day petitioner No. 1 left India, respondent No. 2/complainant went to her parental house, as in his house his old grandmother and paternal uncle were left. Respondent No. 2/complainant has lodged false complaint naming all family members including his paternal aunt (*Bua*) – petitioner No. 3 Raminder Kaur. In the aforesaid FIR, challan was presented against Tasminder Singh and Sukhminder Singh i.e. father and paternal uncle (*Chacha*) of petitioner No. 1, who were acquitted by learned Judicial Magistrate Ist Class, NRI Cases, Jalandhar in criminal case No. 84958 of 2013 vide judgment dated 02.09.2015 (Annexure P-2). Kulwinder Kaur through her attorney Sukhwinder Singh filed appeal against the aforesaid judgment of acquittal bearing Criminal Appeal No. 674 of 2017 which was dismissed vide judgment dated 15.03.2022 (Annexure P-3). During this period other litigation also started against father of petitioner No. 1 regarding his immovable properties. During this period, respondent No. 2/complainant obtained *ex parte* decree of divorce against petitioner No. 1 in the year 2015. At present, she is married in England, living peaceful life and is blessed with two children. After the dismissal of appeal better sense prevailed and matter was compromised by Kulwinder Kaur through her Power of Attorney holder Sukhwinder Singh and on the other side Tasminder Singh @ Jasminder Singh father of petitioner No. 1. Said compromise in the shape of affidavit executed by Sukhwinder Singh being Power of Attorney of Kulwinder Kaur is Annexure P-4. Respondent No. 2/complainant received permanent alimony and agreed to end entire litigation civil and criminal in nature which were started between two families. Said compromise in the shape of affidavit (Annexure P-4) has never been challenged



either by Kulwinder Kaur or by her Power of Attorney holder i.e. her brother Sukhwinder Singh. Respondent No. 2 resiled from the said compromise due to greed for more money. Once the matter was settled between them on the basis of compromise dated 01.09.2022 (Annexure P-4), there was no reason left to continue with criminal proceedings initiated vide FIR No. 57 dated 17.05.2007 (Annexure P-1) (supra). Since petitioners were residing in America even before the said marriage, they could not join investigation started in FIR No. 57 dated 17.05.2007 (Annexure P-1) (supra) and were declared proclaimed offenders. Present petitioners approached this Court by filing CRM-M No. 49773 of 2023, in which they were granted interim relief vide order dated 15.01.2024 (Annexure P-5) and accordingly, they have joined investigation. It is submitted that continuation of criminal proceedings in aforesaid FIR is misuse of criminal procedure. Therefore, present petition filed by petitioners may be accepted and FIR No. 57 dated 17.05.2007 (Annexure P-1) (supra) and subsequent proceedings arising therefrom may kindly be quashed.

4. Learned counsel representing State of Punjab confirmed the factual position as well as litigation which had started between the parties. It is confirmed that present petitioners Baljit Singh, Sukhdev Kaur and Raminder Kaur joined investigation on 14.02.2024 in pursuance of order dated 15.01.2024 passed in CRM-M-49773-2023. One of the accused Daljit Singh son of Tasminder Singh is still proclaimed offender. In status report, it is confirmed that after the dismissal of criminal appeal vide judgment dated 15.03.2022 (Annexure P-3), in pursuance of compromise dated 01.09.2022 (Annexure P-4), Rs. 7 lacs were deposited in joint account of Lakhwinder Kaur mother and Kulwinder Kaur – respondent No. 2/complainant with Punjab



National Bank on 01.09.2022. This fact was verified from Branch Manager vide letter dated 27.02.2025. Copy of statement of joint account of Lakhwinder Kaur and Kulwinder Kaur is Annexure R-1 and letter regarding verification is Annexure R-2. It is submitted that cash transaction as stated by petitioner No. 1 could not be verified in absence of any receipt. It was further clarified that present petitioners are not nominated in any other case nor any FIR is pending against them.

5. Respondent No. 2/complainant submitted her written reply, disputing the alleged compromise by taking the stand that no compromise took place with petitioners. Infact, said document was prepared by misleading her brother and by playing fraud upon him. Therefore, alleged compromise (Annexure P-4) is false and frivolous document. She had given Power of Attorney to her brother Sukhwinder Singh to commence, carry on or defend all action suits, petitions, other proceedings, appeals before any Court or concerning anything in which answering respondent may be a party. Petitioners and their family members when came to know about this fact they approached answering respondent that they were ready to settle the dispute for Rs. 70 lacs. Brother of answering respondent being innocent got influenced with their words that dispute was being settled for a sum of Rs. 70 lacs, he without taking consent of answering respondent agreed for said compromise. Petitioners deposited Rs. 7 lacs as earnest money with malicious intention in the account of her mother and answering respondent and obtained signatures of her brother with assurance to deposit balance of Rs. 63 lacs. Petitioners started avoiding payment of balance amount and this fact was disclosed to her by her mother and brother. Therefore, petitioners obtained signatures of her brother by



manipulating him by depositing meager sum of Rs. 7 lacs in their joint account. Petitioner No. 1 managed to procure decree of divorce from America when respondent No. 2/complainant never visited there. Infact, petitioners procured false decree of divorce and soon thereafter remarried. Later on, respondent No. 2/complainant filed petition seeking divorce which was decreed *ex parte* and thereafter, she remarried. In the light of this, no compromise was ever arrived at with petitioners and they cannot derive any benefit out of said compromise dated 01.09.2022 (Annexure P-4). Learned counsel representing respondent No. 2/complainant further raised the issue that present petition is bad for partial quashing on the basis of disputed compromise since one of the accused Daljit Singh has not been arrayed party to this litigation. It is submitted that petition filed by petitioners is without merits and same may kindly be dismissed.

6. I have considered the arguments advanced by learned counsel for both the sides and have gone through the record with their able assistance. Some of the facts are not disputed. Admittedly, Kulwinder Kaur – respondent No. 2/complainant got married with Baljit Singh, who had come from America. Their marriage took place on 30.06.2001 and thereafter, he went back to USA in August, 2001. Admittedly, petitioner No. 1 had sent papers to sponsor respondent No. 2/complainant to America. It is mentioned in contents of FIR that she had gone to American Embassy but on reaching there, she was informed that her husband had withdrawn said papers. As per version of respondent No. 2/complainant, her husband was raising demand for cash of Rs. 15 lacs to sponsor her to America. On the other hand, it is the case of petitioners that due to differences between husband and wife, he withdrew the papers to sponsor her and their communication stopped. Petitioner No. 1 Baljit Singh



claimed that he obtained divorce from the Courts at USA in the year 2003 and remarried in the year 2004. It is a fact that respondent No. 2/complainant never went to America. Criminal litigation started on the basis of FIR No. 57 dated 17.05.2007 (Annexure P-1) (supra). There is copy of judgment dated 02.09.2015 (Annexure P-2), according to which Tasminder Singh and Sukhminder Singh faced trial and were acquitted by the trial Court in the aforesaid FIR. Appeal preferred by Kulwinder Kaur against judgment of acquittal was also dismissed vide judgment dated 15.03.2022 passed by learned Additional Sessions Judge, Jalandhar (Annexure P-3). As per judgment of trial Court, Baljit Singh, Sukhdev Kaur and Raminder Kaur (present petitioners) and Daljit Singh were declared proclaimed offenders. It is further not disputed that other civil litigation also started between the two families which went upto High Court.

7. At this stage, compromise in the shape of affidavit dated 01.09.2022 (Annexure P-4) came into picture. I have carefully gone through the contents of compromise (Annexure P-4) which clearly indicates that from the side of Kulwinder Kaur – respondent No. 2, her brother Sukhwinder Singh appeared as her Power of Attorney holder and from the side of petitioners, Tasminder Singh @ Jasminder Singh, age 82 years had appeared. In the contents of said compromise in the shape of affidavit of Sukhwinder Singh (Annexure P-4), there is specific reference of criminal litigation initiated on the registration of FIR No. 57 dated 17.05.2007 (Annexure P-1). There is reference of judgment of acquittal in favour of Tasminder Singh and Sukhminder Singh. It was confirmed that both Baljit Singh and Kulwinder Kaur took divorce from each other and remarried. Baljit Singh was settled in USA, whereas, Kulwinder



Kaur was settled in U.K. It is specifically mentioned that better sense prevailed upon both the parties and they agreed to settle the matter amicably for once and all. There is specific reference of other litigation which cropped up on account of maintenance claimed by respondent No. 2/complainant. Matter went up to the High Court and in COCP-2212-2010, a lien was created on the land of party No. 1 i.e. Tasminder Singh @ Jasminder Singh restraining him to sell, mortgage, transfer or create any encumbrance on the said land. After compromise arrived at between the parties, it was confirmed that party No. 1 had already paid settled amount of maintenance and permanent alimony for past, present and future to party No. 2 i.e. Kulwinder Kaur, represented through her Power of Attorney holder in cash and same was acknowledged by party No. 2 Kulwinder Kaur through her Power of Attorney holder Sukhwinder Singh. It was agreed that party No. 2 will not claim any right over movable and immovable properties of party No. 1 in future and party No. 2 shall also appear through her Power of Attorney before the High Court or any other competent Court in India regarding the factum of said compromise. Party No. 2 will cooperate with party No. 1 to get the said FIR quashed along with other consequential proceedings arising therefrom. Both parties agreed that they will not file any civil or criminal litigation against each other in future for any further claim. Both parties agreed not to interfere in affairs of each other and will remain bound by terms and conditions of compromise.

Aforesaid facts indicate that detailed compromise was scribed between the parties settling down all their criminal litigation, civil litigation including payment of maintenance and permanent alimony.



Considering the aforesaid factual position, it cannot be said that compromise in the shape of affidavit of Sukhwinder Singh being Power of Attorney holder of Kulwinder Kaur respondent No. 2/complainant was only between the two parties. It is rightly pointed out that both Tasminder Singh and Sukhminder Singh were already acquitted by the trial Court and appeal preferred by respondent No. 2 Kulwinder Kaur was also dismissed. Infact, compromise was arrived at to end the entire civil and criminal litigation started between the parties. Sukhwinder Singh brother of respondent No. 2 represented his sister Kulwinder Kaur being Power of Attorney holder, whereas, Tasminder Singh @ Jaswinder Singh represented petitioners being head of the family. Stand taken by respondent No. 2/complainant in written reply filed by her does not convince the mind of this Court. There is nothing on record to show that Sukhwinder Singh is a simpleton individual who could be influenced or misled by Tasminder Singh @ Jaswinder Singh. Said compromise by way of affidavit dated 01.09.2022 (Annexure P-4) has never been challenged by respondent No. 2/complainant nor any litigation started between brother and sister. Respondent No. 2/complainant tried to show in he reply that amount settled in said compromise was Rs. 70 lacs. She also admits that Rs. 7 lacs were deposited in her joint account with her mother. She has tried to coin a new version that balance of Rs. 63 lacs were not paid by Tasminder Singh @ Jaswinder Singh. Contents of reply indicate that indirectly she also admitted the execution of compromise by way of affidavit of Sukhwinder Singh (Annexure P-4). Later respondent No. 2/complainant changed her mind and resiled from the said compromise (Annexure P-4).



Present petitioners who were earlier declared proclaimed offenders have already joined investigation as per status report filed by respondent No. 1-State and they are not involved in any other FIR. Present petition is filed seeking quashing of FIR No. 57 dated 17.05.2007 (Annexure P-1) (supra) on merits, based on compromise/affidavit dated 01.09.2022 (Annexure P-4) executed by Sukhwinder Singh being Power of Attorney holder of respondent No. 2/complainant. Therefore, non-joinder of Daljit Singh one of the accused who was also proclaimed offender in aforesaid FIR will not effect merits of present case.

8. In the light of aforesaid factual position, continuation of criminal proceedings qua present petitioners namely Baljit Singh, Sukhdev Kaur and Raminder Kaur in FIR No. 57 dated 17.05.2007 under Section 406, 498-A, 500, 506, 465, 471, 420, 120-B of IPC registered at Police Station Lambra, District Jalandhar (Annexure P-1) is gross misuse of criminal procedure. Thus, present petition is allowed and aforesaid FIR and consequential proceedings arising thereon are, accordingly, quashed qua present petitioners.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

16.05.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No